

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : To Be Assigned Confirmation No. : TBA
First Named Inventor : Ronald H. Eberl
Filed : September 29, 2005
TC/A.U. : To Be Assigned
Examiner : To Be Assigned
Docket No. : 101795.56306US
Customer No. : 23911
Title : Device and Method for Determining the Orientation of an
Eye

**PETITION FOR REVIVAL OF UNINTENTIONALLY
ABANDONED APPLICATION UNDER 37 C.F.R. § 1.137(b)**

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully petitions for the revival of the above-referenced patent application, claiming priority of the PCT Application, and for the granting of the priority of October 8, 2001.

A PCT application was filed on October 8, 2001, designating the United States. Applicant unintentionally failed to enter the national phase by the 30th month. It is therefore stated that the abandonment of the application was unintentional.

At the time of applicant's co-invention of the subject matter reflected in the present application, several of the co-inventors were employees of Physoptics Opto-Electronic GmbH. By virtue of German employee inventor's law, Physoptics took over their right to this application worldwide. Physoptics later went into bankruptcy and their trustee refused to release their right to this

application and refused to initiate the US national phase. Applicant filed a lawsuit in November of 2003 against the trustee regarding abuse of German employee inventor's law as well as German Patent Law with respect to this invention and others. An agreement was reach releasing all rights to this and numerous other applications.. Because all rights to this application were not held by Physoptics, it was necessary to negotiate with the other owners regarding prosecution of the application which was not completed until near the end of 2004.

After the agreement was reached the burden of reconstructing this and other files including the consultation with the others involved in this application as well as attempting to save the entire portfolio to the fullest degree possible and the necessary time to arrange financing and manage by employment led to further delays.

The following attached documents comprise a complete response. These include the PCT application and the appropriate PCT filing fees.

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional.

The petition fee of \$750, under 37 C.F.R. § 1.17(m), is submitted herewith.

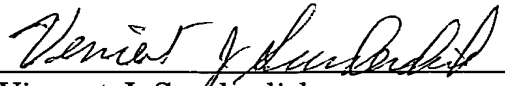
The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 05-1323 (Docket #101795.56306US).

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

please charge any deficiency in fees or credit any overpayments to Deposit
Account No. 05-1323 (Docket #101795.56306US).

September 29, 2005

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Vincent J. Sunderdick", is written over a horizontal line.

Vincent J. Sunderdick
Registration No. 29,004

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
VJS:lvb

398497